THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.17273 of 2006

Dated: 25-09-2006

Between:

M.A. Khader and others.

..... PETITIONERS

AND

A.P. State Wakf Board, Hyderabad, and others.

.....RESPONDENTS

THE HON'BLE SRI JUSTICE V.V.S. RAO

WRIT PETITION No.17273 of 2006

ORDER:

The four petitioners filed the instant writ petition assailing the proceedings/order of the Andhra Pradesh State Wakf Board, respondent No.1 dated 25-07-2006, whereby and whereunder respondent Nos.2 to 8 were appointed as Members of the Managing Committee of Masjid-e-Regimental Bazar, Secunderabad, under Section 18 of the Wakf Act, 1995 (the Act, for brevity) for a period of three years. The petitioners are statedly residents of regimental bazaar and are regularly offering prayers at the masque at regimental bazaar. They allege that when complaints were made against the contesting respondents for financial irregularities, respondent No.1 got the matter enquired into by an enquiry officer/special officer, who found that the respondents resorted to financial irregularities. They, therefore, contend that appointment of such persons as Members of the Managing Committee is neither proper nor legal.

When the matter was heard on 18-09-2006, this Court entertained a doubt as to whether proper minutes were recorded by the special officer of respondent No.1 who is vested with all powers of respondent No.1 under Section 99 (2) of the Act. Today, relevant file is produced, which would show that the impugned order was issued pursuant to the orders of the special officer dated 25-07-2006. Be that as it is, the writ petition is opposed by the learned standing counsel for respondent No.1 contending that the petitioners have effective efficacious speedy alternative remedy under Section 83(2) of the Act to file an application before the State Wakf Tribunal. Therefore, this Court is not inclined to go into the merits of the case. Liberty is given to the petitioners to file an application under Section 83(2) of the Act before the Tribunal within a period of two weeks from the date of receipt of a copy of this order. As and when such application is filed, the same may be disposed of by the learned Tribunal in accordance with law.

The writ petition, with the above observations, is accordingly disposed of. No costs.

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(**V.V.S.RAO, J**)

25th September, 2006

ghn